

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION

MDL Docket No. 2002
08-md-02002 (GP)

THIS DOCUMENT APPLIES TO:

The Kroger Co., et al v. National Food Corp., et al,
Case No: 2:10-cv-06705 (GP) (E.D. Pa.)

Giant Eagle, Inc. v. National Food Corporation, et al,
Case No. 2:11-cv-00820 (E.D. Pa.)

Supervalu Inc. v. National Food Corporation, et al,
Case No. 2:10-cv-06736 GP (E.D. Pa.)

*Publix Super Markets, Inc..v. National Food
Corporation, et al, Case No. 2:10-cv-06737-GP (E.D.
Pa.)*

*Winn-Dixie Stores, Inc., et al v. National Food
Corporation, et al, Case No. 2:11-cv-00510-GP (E.D.
Pa.)*

*Kraft Foods Global, Inc., et al v. National Food
Corp., et al, Case No. 2:12-cv-00088-GP (E.D. Pa.)*

**ORDER OF DISMISSAL, WITH PREJUDICE, OF PLAINTIFFS'
CLAIMS AGAINST DEFENDANT NATIONAL FOOD CORP.**

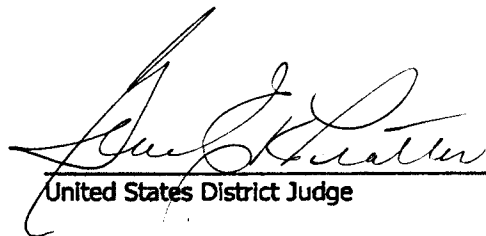
This cause is before the Court pursuant to Rule 41, Fed.R.Civ.P., on the Stipulation of Plaintiffs The Kroger Co., Safeway Inc., Walgreen Co., Hy-Vee, Inc., Albertsons LLC, The Great Atlantic & Pacific Tea Company, Inc., H.E. Butt Grocery Company and Conopco, Inc., Giant Eagle, Inc., SuperValu Inc., Publix Super Markets, Inc., Winn-Dixie Stores, Inc., Roundy's Supermarkets, Inc., H.J. Heinz Company, L.P., C&S Wholesale Grocers, Inc., Kraft Foods Global, Inc., General Mills, Inc., Nestlé USA, Inc., and The Kellogg Company (individually and collectively the "Plaintiffs") and Defendant National Food Corp. ("Defendant") in the above-

captioned cases to dismiss, with prejudice, Plaintiffs' claims against Defendant in the above-captioned cases with each side bearing its own attorneys' fees and costs. The Court has considered the Stipulation, the record in the case, and being otherwise advised, it is

Ordered and Adjudged that the Stipulation for the dismissal, with prejudice, of Plaintiffs' claims against Defendant in the above-captioned cases with each side bearing its own attorneys' fees and costs be and the same is Accepted. Accordingly, it is

Ordered and Adjudged that the claims in the above-captioned cases of The Kroger Co., Safeway Inc., Walgreen Co., Hy-Vee, Inc., Albertsons LLC, The Great Atlantic & Pacific Tea Company, Inc., H.E. Butt Grocery Company and Conopco, Inc., Giant Eagle, Inc., SuperValu Inc., Publix Super Markets, Inc., Winn-Dixie Stores, Inc., Roundy's Supermarkets, Inc., H.J. Heinz Company, L.P., C&S Wholesale Grocers, Inc., Kraft Foods Global, Inc., General Mills, Inc., Nestlé USA, Inc., and The Kellogg Company against Defendant National Food Corp. be and the same are dismissed, with prejudice, with each side bearing its own attorneys' fees and costs. This Order of Dismissal, with prejudice, is without prejudice to Plaintiffs' claims against any other Defendant or co-conspirator in the above-captioned cases.

Done and Ordered in Chambers in Philadelphia, Pennsylvania this 20th day of February, 2014.


United States District Judge

cc: Counsel of Record

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION

MDL Docket No. 2002
08-md-02002 (GP)

THIS DOCUMENT APPLIES TO:

The Kroger Co., et al v. National Food Corp., et al,
Case No: 2:10-cv-06705 (GP) (E.D. Pa.)

Giant Eagle, Inc. v. National Food Corporation, et al,
Case No. 2:11-cv-00820 (GP) (E.D. Pa.)

Supervalu Inc. v. National Food Corporation, et al,
Case No. 2:10-cv-06736 GP (E.D. Pa.)

*Publix Super Markets, Inc..v. National Food
Corporation, et al, Case No. 2:10-cv-06737-GP (E.D.
Pa.)*

*Winn-Dixie Stores, Inc., et al v. National Food
Corporation, et al, Case No. 2:11-cv-00510-GP (E.D.
Pa.)*

*Kraft Foods Global, Inc., et al v. National Food
Corp., et al, Case No. 2:12-cv-00088-GP (E.D. Pa.)*

**STIPULATION FOR DISMISSAL, WITH PREJUDICE, OF
PLAINTIFFS' CLAIMS AGAINST NATIONAL FOOD CORP.**

In accordance with Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs The Kroger Co., Safeway Inc., Walgreen Co., Hy-Vee, Inc., Albertsons LLC, The Great Atlantic & Pacific Tea Company, Inc., H.E. Butt Grocery Company and Conopco, Inc., Giant Eagle, Inc., SuperValu Inc., Publix Super Markets, Inc., Winn-Dixie Stores, Inc., Roundy's Supermarkets, Inc., H.J. Heinz Company, L.P., C&S Wholesale Grocers, Inc., Kraft Foods Global, Inc., General Mills, Inc., Nestlé USA, Inc., and The Kellogg Company (individually and collectively the "Plaintiffs") and Defendant National Food Corp., ("Defendant") stipulate and agree to the dismissal, with

prejudice, of Plaintiffs' claims against Defendant in the above-captioned cases with each side bearing its own attorneys' fees and costs. This Stipulation of Dismissal, with prejudice, is intended to be without prejudice to Plaintiffs' claims against any other Defendant or co-conspirators in the above-captioned cases. A proposed Order of Dismissal, without prejudice, accompanies this Stipulation as Exhibit 1.

Dated: February 4, 2014

Respectfully submitted,

William J. Blechman, Esquire
Douglas H. Patton, Esquire
James Almon, Esquire
KENNY NACHWALTER, P.A.
201 South Biscayne Boulevard
Suite 1100
Miami, Florida 33131
Tel: (305) 373-1000
Fax: (305) 372-1861
E-mail: wblechman@knnpa.com

Bernard D. Marcus, Esquire
Molra Cain-Mannix, Esquire
Brian C. Hill, Esquire
MARCUS & SHAPIRA LLP
One Oxford Center
301 Grant Street, 35th Floor
Pittsburgh, PA 15219
Tel: (412) 338-5200
Fax: (412) 391-8758
E-mail: marcus@marcus-shapira.com

By: 

Counsel for Plaintiffs The Kroger Co., Safeway Inc., Walgreen Co., Hy-Vee, Inc., Albertsons LLC, The Great Atlantic & Pacific Tea Company, Inc., H.E. Butt Grocery Company, and Conopco, Inc.

Joseph M. Vanek, Esquire
David P. Germaine, Esquire
Vanek, Vickers & Masini P.C.
55 West Monroe Street, Suite 3500
Chicago, Illinois 60603
Tel: (312) 224-1500
Fax: (312) 224-1510
E-mail: jvanek@vaneklaw.com

By: 

Counsel for Plaintiffs Supervalu Inc. and Publix Super Markets, Inc.

By: 

Counsel for Plaintiff Giant Eagle, Inc.

Patrick J. Ahern, Esquire
AHERN AND ASSOCIATES, P.C.
Three First National Plaza
70 West Madison Street
Suite 1400
Chicago, Illinois 60602
Tel: (312) 214-3784
Fax: (312) 214-3110
E-mail: patrick60045@gmail.com

By: 

Counsel for Plaintiffs Winn-Dixie Stores, Inc., Roundy's Supermarkets, Inc., H.J. Heinz Company, L.P., C&S Wholesale Grocers, Inc.

prejudice, of Plaintiffs' claims against Defendant in the above-captioned cases with each side bearing its own attorneys' fees and costs. This Stipulation of Dismissal, with prejudice, is intended to be without prejudice to Plaintiffs' claims against any other Defendant or co-conspirators in the above-captioned cases. A proposed Order of Dismissal, with prejudice, accompanies this Stipulation as Exhibit 1.

Dated: February 4, 2014

Respectfully submitted,

William J. Blechman, Esquire
Douglas H. Patton, Esquire
James Almon, Esquire
KENNY NACHWALTER, P.A.
201 South Biscayne Boulevard
Suite 1100
Miami, Florida 33131
Tel: (305) 373-1000
Fax: (305) 372-1861
E-mail: wblechman@knpa.com

Bernard D. Marcus, Esquire
Moiria Cain-Mannix, Esquire
Brian C. Hill, Esquire
MARCUS & SHAPIRA LLP
One Oxford Center
301 Grant Street, 35th Floor
Pittsburgh, PA 15219
Tel: (412) 338-5200
Fax: (412) 391-8758
E-mail: marcus@marcus-shapira.com

By: _____

Counsel for Plaintiffs The Kroger Co., Safeway Inc., Walgreen Co., Hy-Vee, Inc., Albertsons LLC, The Great Atlantic & Pacific Tea Company, Inc., H.E. Butt Grocery Company, and Conopco, Inc.

Joseph M. Vanek, Esquire
David P. Germaine, Esquire
Vanek, Vickers & Masini P.C.
55 West Monroe Street, Suite 3500
Chicago, Illinois 60603
Tel: (312) 224-1500
Fax: (312) 224-1510
E-mail: jvanek@vaneklaw.com

By: _____

Counsel for Plaintiffs Supervalu Inc. and Publix Super Markets, Inc.

By: _____

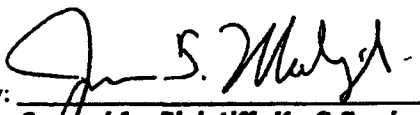
Counsel for Plaintiff Giant Eagle, Inc.

Patrick J. Ahern, Esquire
AHERN AND ASSOCIATES, P.C.
Three First National Plaza
70 West Madison Street
Suite 1400
Chicago, Illinois 60602
Tel: (312) 214-3784
Fax: (312) 214-3110
E-mail: patrick60045@gmail.com

By: _____

Counsel for Plaintiffs Winn-Dixie Stores, Inc., Roundy's Supermarkets, Inc., H.J. Heinz Company, L.P., C&S Wholesale Grocers, Inc.

James T. Malysiak, Esquire
Richard P. Campbell, Esquire
Stephen R. Brown, Esquire
JENNER & BLOCK LLP
353 North Clark Street
Chicago, IL 60654-3456
Tel: (312) 923-2813
Fax: (312) 923-2913
E-mail: JMalysiak@jenner.com

By: 
***Counsel for Plaintiffs Kraft Foods
Global, Inc., The Kellogg Company,
General Mills, Inc., and Nestlé USA,
Inc.***

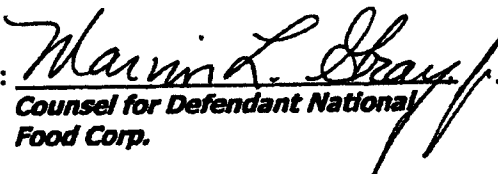
Monty Gray, Esquire
DAVIS WRIGHT TREMAINE LLP
1201 Third Avenue
Suite 2200
Seattle, WA 98101
Tel: (206) 757-8054
Fax: (206) 757-7054
E-mail: montygray@dwt.com

By: _____
***Counsel for Defendant National
Food Corp.***

James T. Malysiak, Esquire
Richard P. Campbell, Esquire
Stephen R. Brown, Esquire
JENNER & BLOCK LLP
353 North Clark Street
Chicago, IL 60654-3456
Tel: (312) 923-2813
Fax: (312) 923-2913
E-mail: JMalysiak@jenner.com

Marvin L. Gray, Jr., Esquire
DAVIS WRIGHT TREMAINE LLP
1201 Third Avenue
Suite 2200
Seattle, WA 98101
Tel: (206) 757-8054
Fax: (206) 757-7054
E-mail: montygray@dwt.com

By: _____
***Counsel for Plaintiffs Kraft Foods
Global, Inc., The Kellogg Company,
General Mills, Inc., and Nestlé USA,
Inc.***

By: 
***Counsel for Defendant National
Food Corp.***

CERTIFICATE OF SERVICE

I certify that on February 7, 2014 I caused a true and correct copy of the foregoing document to be filed and served via ECF on counsel for the parties.

By: _____


William J. Blechman

482115.1